

42

LIMITED OFFICIAL USE

Action

Control: 7338

L

Rec'd: AUGUST 9, 1962
9:17 P.M.

Info

FROM: NEW YORK

TO: Secretary of State

NO: 403, AUGUST 9, 8 P.M.

REF: USUN'S 256; DEPTTEL 2801 AND 247.

CUBAN EMBARGO

USUN NOTES DEPT BASES DENIAL EXEMPTION FROM CUBAN EMBARGO ON SECTION 15 HQS AGREEMENT, BUT USUN CONSIDERS TWO ISSUES INVOLVED.

FIRST IS LEGAL ISSUE RE RIGHT HOST COUNTRY PREVENT MISSION OF MEMBER STATE OF INTERNATIONAL ORGANIZATION FROM RECEIVING ITEMS FROM OWN COUNTRY SENT BY ITS GOVT FOR USE IN CONNECTION NORMAL AND PROPER FUNCTIONS OF MISSION. ITEMS INVOLVED ARE SMALL QUANTITIES RUM AND CIGARS SENT BY CUBAN GOVT AS ROUTINE MATTER. DESPITE ARGUMENT OF INCHAUSTEGUI (CUBAN PERM REP), USUN DOES NOT CONSIDER SEC 15, WHICH CONCERNS RIGHTS OF INDIVIDUALS ENTITLED DIPLOMATIC STATUS, GOVERNS THIS SITUATION SINCE IN THIS CASE, RIGHT OF MISSION AS UNIT IS INVOLVED. APPLICATION FOR FREE ENTRY WAS SUBMITTED BY INCHAUSTEGUI AS HEAD OF MISSION.

SECOND ISSUE IS POLITICAL. INTERNAL POLITICS WOULD INDICATE UNDESIRABILITY SEEKING EXCEPTION CUBAN EMBARGO SOLELY FOR CUBAN MISSION. THIS SHOULD BE WEIGHED, HOWEVER, AGAINST INEVITABLE ADVERSE REACTION UN AND OTHER DELS. CUBANS WILL UNDOUBTEDLY PROTEST DENIAL AS EXAMPLE UNWARRANTED HARRASSMENT BY HOST COUNTRY TO UN LEGAL COUNSEL, AS THEY HAVE ALWAYS PROTESTED US PRACTICES THEY CONSIDERED IMPROPER. USUN DOES NOT EXPECT STAVROPOULOS (UN) WILL SUPPORT DENIAL CUBAN EMBARGO EXCEPTION IN THIS CASE.

REQUESTS DEPT RECONSIDER THIS MATTER IN LIGHT

LIMITED OFFICIAL USEREPRODUCTION FROM THIS COPY IS
PROHIBITED UNLESS UNCLASSIFIED

LIMITED OFFICIAL USE

-2-403, AUGUST 9, 8 P.M. FROM NEW YORK

FOREGOING ARGUMENTS.

STEVENSON

WHC/20

LIMITED OFFICIAL USE